

THE CITY OF



OWATONNA

Mark M. Walbran
City Attorney
Phone: (507) 451-1425
Fax : (507) 451-8916

140 East Main Street
PO Box 273
Owatonna, MN 55060
Email: mwalbran@walbranfurness.law.com

TO: Mayor, City Council, and City Administrator
FROM: Mark M. Walbran
DATE: May 7, 2021
RE: Code Amendments for Alcohol in Central Park

Purpose: City Council to approve Proposed Ordinance 21-6 to allow beer and wine in Central Park under a Temporary License and Proposed Ordinance 21-7, an amendment changing the number of Temporary Liquor Licenses an organization may be allowed within one year.

Background: Presently intoxicating liquor is prohibited in Central Park. The proposed Ordinance amendment provides for the sale of beer and wine in Central Park under a Temporary On-Sale Liquor License during events sponsored by the City or other non-profit organizations with an approved City Special Event Permit. Given the emerging home-town brewery industry and popularity of local brew pubs and regional wine vintners the proposed ordinance limits sales in Central Park to beer and wine only. Council approved the first reading of these proposed ordinances during the May 4th Council Meeting and there have been no changes since.

Authority: Temporary On-Sale licenses are authorized under Minnesota State Statute Section 340A.404, subd. 10. Owatonna City Ordinance incorporates the State Statute by reference. Code Section 113.052(E) authorizes temporary On-Sale Licenses. Our ordinance limits the duration of a temporary license to no more than three (3) days. (Under the state statute the license duration may be four (4) consecutive days). Further the ordinance provides that the licensee must provide a certificate of liquor liability insurance required under Section 113.053(B) with liability limits of \$50,000/per person and \$100,000/two or more persons. Alternatively the qualifying organization may contract with a vendor with a current caterer's license with alcohol endorsement to cater and provide the serving of intoxicating liquors provided the catering licensee provides the necessary liquor liability insurance coverage. The City Ordinance currently limits the issuance of such temporary license to one (1) per organization in the course of a 12-month span. Finally, the temporary license must be approved by the State Commissioner of Public Safety. (Under the state statute there is no limitation on the number of licenses issued to any one organization. It has been suggested the number be limited to 3).

Budget Impact:

Temporary Liquor License Fees are \$50/event. The Police and Park and Rec Departments may incur impact to their budgets when events are held.

Recommendation:

Staff recommends approval Proposed Ordinances 21-6 and 21-7.

Proposed Ordinance No. 21-6

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE IX OF THE 2015 ORDINANCE CODE OF THE CITY OF OWATONNA, AS AMENDED, BY AMENDING CHAPTER 91 ENTITLED "RECREATION AND LEISURE" BY AMENDING § 91.02 ENTITLED "LIQUOR IN PARKS AND BEACHES; PERMIT REQUIRED; NOTICE TO POLICE DEPARTMENT" PROVIDING FOR THE SALE OF INTOXICATING LIQUOR IN CENTRAL PARK UNDER A TEMPORARY LICENSE.

THE CITY COUNCIL OF THE CITY OF OWATONNA DO ORDAIN:

Section 1. Title IX of the 2015 Ordinance Code of the City of Owatonna, as amended, is hereby amended by amending § 91.02(A) to read as follows:

(A) *Liquor in parks and beaches.* No person or persons shall display, consume or possess any intoxicating liquor, 3.2% malt liquor or intoxicating malt beverage within parking areas, roadways, sidewalks abutting or the grounds in general of Central Park, Cashman Park, Kaplan's Woods Parkway and Archery Park on Elm Avenue in the city.

(1) *Central Park, Special Events, Temporary On-Sale Liquor License.* A temporary on-sale liquor license may be issued to a qualified non-profit organization pursuant to Ordinance Code § 113.052(E), during a special event sponsored by the City or such organization for which a park permit has been granted.

(a) *Beer and Wine.* Sales of intoxicating beverages under the temporary license shall be limited to malt liquor (beer or ale) as defined in Ordinance Code § 113.06, or wine as defined in Ordinance Code § 113.025.

(b) *On Park Premises.* Persons may only consume or possess those intoxicating beverages on park premises sold by the holder of the on-sale temporary liquor license.

(c) *Notice to Police Department.* At the time of issuance of the temporary on-sale license for the event, the City Administrator shall send a notice of the date, time, and place of the event to the Chief of Police of the City for information and for guidance.

- (d) Governing Law. Temporary licenses issued under this Ordinance are subject to all the laws and ordinances governing the sale of intoxicating liquor.

Section 2. Effective Date. This Ordinance shall be in full force and effect from and after its passage and publication.

Passed and adopted this ___ day of _____, 2021, with the following vote: Aye _____; No _____; Absent; _____.

Approved and signed this _____ day of _____, 2021.

Mayor

ATTEST:

City Clerk/Treasurer

UNDERLINING INDICATES NEW LANGUAGE. STRIKEOUTS INDICATE DELETIONS.